

## **REMARKS/ARGUMENTS**

Claims 1, 2 and 4 through 7 have been rejected under 35 USC 102 (b) as being anticipated by Turro. The examiner has stated regarding claim 1 that Turro discloses a device having an illumination element and an aromatic material burning element. There is nothing in the Turro disclosure that indicates a structure for burning incense, rather the invention teaches a structure of passing warm air through or around incense or other aromatic substances.

The examiner further states Turro's device comprises: an incense housing member (35 and 49 together) disposed in a base member (11 and 16 together) having a light member 24 therein; said incense housing member having a wall, a closed bottom 36 and an open top 57 forming a chamber 56; and an incense holder 45 for retaining an incense element 48 in said chamber (referring to Figures 1 through 5; col.1, line 60 to col. 2, line 62)

The incense lamp of the Turro cite does not have a closed bottom. The device is structured to bring air through openings 32 in base 11 and communicate the air through interior tubes 33 to conduct air to chamber 25 adjacent the light bulb 24 to warm the air. The air then passes through slot apertures 37 of member 36 to heat up the open top cup member 47 to cause the contents of member 47 to evaporate. The warmed air also passes upward through the disc member 45 having perforations therein to engage incense 48 placed on the disc member 45.

The open top cylindrical member 36 has a plurality of longitudinal slot apertures 37 with member 36 having a top edge 40 with an annular flange 39, reference column 2, lines 32 through 38 of Turro. As best understood from the drawings and disclosure, if elements 35 and 49 together may form a walled chamber, the bottom is then a combination of cylindrical member 36 and a portion of its top edge 40 as a portion of top edge 40 forms part of the bottom of element 35. This bottom is not closed. The bottom has slot apertures 37 passing therethrough that are necessary to warm the incense 48 as described in the operation of the incense lamp (not incense burner).

The structure and teaching of the Turro cite is quite different than that of the instant application. If the Turro art had a closed bottom the device would not work. The use of heated air from a light bulb would not engage the fragrances of element 47 or the incense on element 45. The Turro lamp is not

an incense burning device with an illumination source and therefore does not anticipate or make obvious the invention of the instant application. For all of these reasons Claim 1 should be allowed.

Regarding Claim 2, claim 2 is now dependent on what is believed to be an allowable base claim and should be allowed.

Regarding Claim 4, this claim is now dependent on what is believed to be an allowable base claim and should be allowed.

Regarding Claim 5, the examiner has stated that Turro discloses a step (top edge of (16) for supporting the incense housing member. This is not believed to be a step portion as claimed in the instant application. The top edge of 16 in Turro is what it discloses, a top edge; the incense housing member of the instant application is not disposed on a top edge of the base. Claim 5 should be allowed.

Regarding Claim 6, this claim is now dependent on what is believed to be an allowable base claim and should be allowed.

Regarding claim 7, it is believed Turro does not describe or disclose a tubular shape for members 35 and 49 together. A circular dome shape with a stem 57 of the funnel cavity 56 (reference col. 2, lines 59 though 61) is disclosed. While tubes are discussed the entire structure of the members 35 and 49 is not a tubular shape for the reasons disclosed in Turro.

Claim 3 has been rejected under 35 USC 103 (a) as being unpatentable over Turro as applied to claim 2, and further in view of Herold. Claim 3 is now dependent on what is believed to be an allowable base claim and should be allowed.

Claim 8 has been rejected under 35 USC 103 (a) as being unpatentable over Turro as applied to claim 1, and further in view of Hsiao. The examiner has stated that Hsiao discloses an electric incenses burner structure that includes a burner housing 20 and a lid 10 both of which are transparent so that the user can see at any time whether the essence (incense) inside has been volatized (see figures 3 and 4; col. 2, lines 57 though 60). The examiner further states that it would have been obvious to one of ordinary skill in the art to modify the invention of Turro as taught by Hsiao.

As described above regarding the Turro invention, it is not a structure for incense burning. The

Hsiao art is also not an incense burner using fire, although the title includes the word burner, it is an incense heater that volatilizes incense contained in a housing. Neither of these devices anticipates or makes obvious the suspension of burning incense in an open top chamber that is illuminated by a light source. Therefore, it is not believed that one of ordinary skill in the art would have combined Turro and Hsiao for an incense device as in the instant application. This claim 8 should be allowed.

Claim 9 has been rejected under 35 USC 103 (a) as being unpatentable over Turro as applied to claim 6, and further in view of White. Claim 9 is now dependent on what is believed to be an allowable base claim and should be allowed.

New Claim 10 has been added to further claim the subject matter of the invention of a suspended incense element. Support for this claim is found in Figures 1 and 2 illustrating a suspended incense element and in the specification on page 4, paragraph [0014].

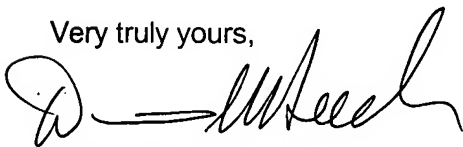
It is believed with the clarifying remarks and the amendments that the uniqueness of the instant invention is not disclosed in the cited art. Accordingly it is believed that the rejections under 35 USC Section 102 (b) and 103 (a) have been overcome by the remarks, and withdrawal thereof is respectfully requested.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the cause for rejections and objections is requested. Allowance of claims 1 through 10 is earnestly solicited.

No additional fee for claims is seen to be required. An extension is requested under 37 CFR § 1.17(a)(3) for three months, to April 24, 2006 for a fee of \$510.00.

If you have any questions do not hesitate to contact me.

Very truly yours,



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Enclosures